III. REMARKS

Status of the Claims

Claims 2, 3, 5-7, 9-15, 17-19, 21-25, 29, and 33 are amended. Claims 1, 4, 8, 16, 20, 31, and 35 are cancelled. New claim 37 is added. Claims 2, 3, 5-7, 9-15, 17-19, 21-30, 29, and 33-37 are presented for further consideration. Applicant is pleased to note that claims 10, 11, 22, and 23 are indicated to contain patentable subject matter.

Applicant has considered the Examiner's comments set forth in the Office Action mailed August 11, 2008 and responds in detail below. Reconsideration of the application is respectfully requested in view of the amendments and the following remarks.

The Office Action

The claims of this application are amended to clarify the various items of data/personal content as they are processed or used in the subject application. No new matter is presented. The amendments to the claims are not intended to be limiting, are not made for reasons related to patentability, and should not be interpreted to raise issues of estoppel. Support for the amendments can be found throughout the application and in particular paragraphs 0035-0036, 0042, and 0050 with reference to figure 5.

In paragraph 3 of the office action, claims 1-9, 12-21 and 24-36 stand rejected under 35 U.S.C. 103(a) based on the combined teaching of the reference Durrett, U.S. Patent No. 5,964,830 and Official Notice. This rejection is traversed on the following grounds:

The combined teaching does not render claims 1-9, 12-21 and 24-36 obvious because it fails to teach or otherwise suggest each and every limitation of the claims. It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application. (MPEP Section 2142) *In re Vaeck*, **947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria."**

In particular the combined teaching fails to disclose or suggest the following claimed features of new independent claim 37:

> " **a media-diary server having a data repository, the media-diary server adapted to receive personal content from the mobile terminal and store the received personal content in the data repository, the media-diary server also adapted to obtain other data from external databases through the external communications network;**
>
> **an applications server adapted to receive requests involving the use of personal content and associate the request with a personalized service;**
>
> **an information generation block adapted to analyze the personal content and generate information based on the personal content and further, the information block is adapted to combine the generated information based on personal content with the other data obtained from external databases; and**
>
> **a service provision block responsive to the information generation block to generate and/or provide the associated personalized service incorporating the information generated and combined in the information generation block."**

Independent claims 13, 25,29, and 33 as amended, contain equivalent limitations.

Durrett fails to teach a mobile terminal having personal content comprising: "photographs, text, video, speech, calendar information, and location information" stored in memory.

It would appear from the official action that the Examiner considers the encryption keys, user ID and password disclosed in Durrett to constitute, at least in part the personal content of applicant's claims. Although not explicitly stated, it would appear that the Examiner considers the encryption keys, user ID and password to constitute

personal content in the form of text, as it is also clear that the encryption keys, user ID and password do not constitute photographs, video, speech, calendar information or location information.

The so-called encryption data of Durrett is used, according column 5, lines 45-51, of Durrett, as follows:

> **"Logging into the access provider computer and for activating local computer 10A is accomplished via fingerprint key 13A. Fingerprint key 13A scans the user's fingerprint and correlates this to a file which is stored within the non-volatile memory of the access provider computer. In one embodiment, the fingerprint" data serves as a "key" to de-crypt the data stored within the non-volatile memory."**

The encryption key of Durrett is used to obtain access to files stored in the memory of a remote server. There is nothing in Durrett that discloses or suggests that an application stored in a mobile terminal may select a part of personal content and send it to a remote data repository from which a part of the personal content may be retrieved and combined with other data for the purpose of providing a personalized service.

The Examiner states: "[note that as a virtual disk subscriber, the user can store any personal objects as described]". There is nothing in Durrett to support this statement. This is another part of the Examiner's "official notice". It is not a teaching, however, and does not lead a person skilled in the art to any solution remotely pertinent to the claims as now presented.

Durrett fails to teach a media-diary server that is adapted to receive and store personal content from the mobile terminal. Nor is there any part of the system of Durrett that is indicated to provide the function of the media-diary server. The same is true with respect to the information generation block of claim 37 and its function. As indicated above there is no attempt in Durrett to use the personal content of this application combined with other data from an external database to provide a personalized service using the personal content and other information.

Since the claims are rewritten or amended to clarify that the personal content and information based on the personal content may be combined with other data from external databases, the Examiner's assertions with respect to the first and second parts of the personal content are now moot. The reference to a virtual storage, bookmarks, and browser functionality in Durrett do not lead a person skilled in the art to obtain the subject matter of this application.
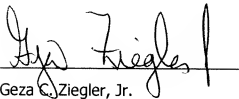
Accordingly, the combined teaching of the reference Durrett and official notice fails to teach or suggest the use of a mobile terminal as described in the independent claims of this application. These grounds apply equally to the rejected dependent claims, all of which, by dependency, have the limitations described in the independent claims. The deficiencies of the primary reference Durrett are not remedied by the Examiner expression of "Official Notice".

The independent claims of this application are amended to clearly support the above arguments. In particular, it is now clear that the personalized service uses a combination of the personal content stored in the mobile terminal and in the remote repository in combination with data from external databases.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.
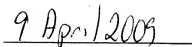
The Commissioner is hereby authorized to charge any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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Date

9 April 2009